

SKM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

'08 MJ 1643

UNITED STATES OF AMERICA,

Magistrate Case No. 27 CR 1195

Plaintiff,

COMPLAINT FOR VIOLATION OF:

v.

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Enrique RIVERA-Garcia,
Ricardo PERALTA-Zazueta

Transportation of Illegal Aliens

Defendant(s)

DEPUTY

Aliens

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)

Bringing in Illegal Aliens Without

Presentation

)

The undersigned complainant, being duly sworn, states:

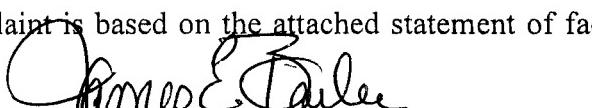
COUNT ONE

On or about **May 24, 2008** within the Southern District of California, defendant **Enrique RIVERA-Garcia** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Luis GOMEZ-Guerrero, Eduardo Alejandro RAMIREZ-Hernandez, Oscar David LOPEZ-Torres, and Juan Luis HERNANDEZ-Morales** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about **May 24, 2008**, within the Southern District of California, defendant **Ricardo PERALTA-Zazueta**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Luis GOMEZ-Guerrero, Eduardo Alejandro RAMIREZ-Hernandez, Oscar David LOPEZ-Torres, and Juan Luis HERNANDEZ-Morales**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James E. Bailey
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF MAY 2008


 Jan M. Adler
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Enrique RIVERA-Garcia
Ricardo PERALTA-Zazueta

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that Oscar David LOPEZ-Torres, Eduardo Alejandro RAMIREZ-Hernandez, and Jose Luis GOMEZ-Guerrero are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 24, 2008, a concerned citizen called the Imperial Beach Station and reported a suspicious white van picking up people on Sunset Avenue near Hollister Road. "Omaha" (Agency helicopter) was operating near that location and observed a white van northbound on Hollister Road just north of Sunset Avenue. Omaha continued to follow the van as Agents responded.

Border Patrol Agent G. Hermosura and Border Patrol Agent M. Jiron were conducting line watch operations in the Imperial Beach area of operations. Agents Jiron and Hermosura were traveling westbound on Interstate 905 approaching the Tocayo exit. At approximately 7:52 p.m. sector dispatch put out a call of a possible van loaded with undocumented aliens traveling eastbound on Tocayo Ave. approaching Oro Vista Road. This area leads to the interstate 905 on ramp and is commonly used by load drivers to egress the area in an attempt to further their illegal entry into the United States.

At approximately 7:54 p.m. the agents spotted "Omaha" flying overhead and calling out a description and direction of travel of the van that dispatch previously called out. At approximately 7:55 p.m. Agents Jiron and Hermosura spotted a white Chevy Astro van matching the description given earlier by "Omaha". The van was traveling eastbound on the onramp of Interstate 905. Agent Hermousra performed a u-turn and attempted to follow the van. The driver of the van transitioned to the Interstate 5 northbound as Agent Hermousra entered the Interstate. He began to approach the van and he noticed it was riding very low and swaying erratically, which in his experience is a notable characteristic of a heavily laden vehicle. Agent Jiron stated to Agent Hermosura that he could observe four visible occupants and numerous silhouettes of heads through the tinted van windows. The occupants appeared to be crouching down in an attempt to conceal themselves from the agents view.

Due to the concerned citizen call, the heavy laden appearance of the vehicle and the occupants attempting to conceal themselves from view, Agent Hermosura believed the vehicle was involved in alien smuggling. At this time, Agents Jiron and Hermousra performed a vehicle stop on the van on Interstate 5 approximately a quarter mile north of the Coronado Ave. on ramp. The vehicle yielded and Agents Jiron and Hermosura approached the vehicle to perform an immigration inspection. As Agent Hermosura approached the vehicle, he observed a large amount of people sitting in the seats and laying on the floor of the vehicle. Agent Hermosura identified himself as a Border Patrol Agent and told the driver to shut off the vehicle and place his hands on the steering wheel. Agent Hermosura asked the driver for his citizenship. He told Agent Hermosura that he was from Mexico. Agent Hermosura asked him if he had any immigration documents allowing him to be in the United States and he said, "no". Agent Hermosura removed him from the vehicle, handcuffed him and placed him under arrest.

Agents Jiron and Hermosura identified themselves as Border Patrol Agents and questioned each subject concerning their citizenship as they removed them from the van.

**CONTINUATION OF COMPLAINT:
Enrique RIVERA-Garcia**

Each subject stated that they were citizens from Mexico and none had immigration documents to be in the United States legally. The driver and passengers were transported to the Imperial Beach Station for processing.

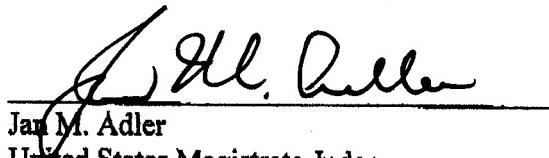
MATERIAL WITNESSES STATEMENTS:

Material Witnesses Jose Luis GOMEZ-Guerrero, Eduardo Alejandro RAMIREZ-Hernandez, Oscar David LOPEZ-Torres, and Juan Luis HERNANDEZ-Morales stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Tijuana Baja California, Mexico to be smuggled into the United States. The four material witnesses stated that they were to pay \$2000.00 U.S. dollars to be smuggled into the United States. When shown a photographic lineup, the four material witnesses were able to identify the defendant Enrique RIVERA-Garcia as the driver and defendant Ricardo PERALTA-Zazueta as the footguide of the group.

Executed on May 26, 2008, at 9:30 A.M.


Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on May 24, 2008, in violation of Title 8, United States Code, Section 1324.


Jan M. Adler
United States Magistrate Judge


5/26/08 @ 10:26 a.m.
Date/Time

CONTINUATION OF COMPLAINT:**Enrique RIVERA-Garcia****Ricardo PERALTA-Zazueta****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Oscar David LOPEZ-Torres, Eduardo Alejandro RAMIREZ-Hernandez, and Jose Luis GOMEZ-Guerrero** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 24, 2008, a concerned citizen called the Imperial Beach Station and reported a suspicious white van picking up people on Sunset Avenue near Hollister Road. "Omaha" (Agency helicopter) was operating near that location and observed a white van northbound on Hollister Road just north of Sunset Avenue. Omaha continued to follow the van as Agents responded.

Border Patrol Agent G. Hermosura and Border Patrol Agent M. Jiron were conducting line watch operations in the Imperial Beach area of operations. Agents Jiron and Hermosura were traveling westbound on Interstate 905 approaching the Tocayo exit. At approximately 7:52 p.m. sector dispatch put out a call of a possible van loaded with undocumented aliens traveling eastbound on Tocayo Ave. approaching Oro Vista Road. This area leads to the interstate 905 on ramp and is commonly used by load drivers to egress the area in an attempt to further their illegal entry into the United States.

At approximately 7:54 p.m. the agents spotted "Omaha" flying overhead and calling out a description and direction of travel of the van that dispatch previously called out. At approximately 7:55 p.m. Agents Jiron and Hermosura spotted a white Chevy Astro van matching the description given earlier by "Omaha". The van was traveling eastbound on the onramp of Interstate 905. Agent Hermousra performed a u-turn and attempted to follow the van. The driver of the van transitioned to the Interstate 5 northbound as Agent Hermousra entered the Interstate. He began to approach the van and he noticed it was riding very low and swaying erratically, which in his experience is a notable characteristic of a heavily laden vehicle. Agent Jiron stated to Agent Hermosura that he could observe four visible occupants and numerous silhouettes of heads through the tinted van windows. The occupants appeared to be crouching down in an attempt to conceal themselves from the agents view.

Due to the concerned citizen call, the heavy laden appearance of the vehicle and the occupants attempting to conceal themselves from view, Agent Hermosura believed the vehicle was involved in alien smuggling. At this time, Agents Jiron and Hermousra performed a vehicle stop on the van on Interstate 5 approximately a quarter mile north of the Coronado Ave. on ramp. The vehicle yielded and Agents Jiron and Hermosura approached the vehicle to perform an immigration inspection. As Agent Hermosura approached the vehicle, he observed a large amount of people sitting in the seats and laying on the floor of the vehicle. Agent Hermosura identified himself as a Border Patrol Agent and told the driver to shut off the vehicle and place his hands on the steering wheel. Agent Hermosura asked the driver for his citizenship. He told Agent Hermosura that he was from Mexico. Agent Hermosura asked him if he had any immigration documents allowing him to be in the United States and he said, "no". Agent Hermosura removed him from the vehicle, handcuffed him and placed him under arrest.

Agents Jiron and Hermosura identified themselves as Border Patrol Agents and questioned each subject concerning their citizenship as they removed them from the van.

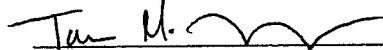
*O/S***CONTINUATION OF COMPLAINT:****Enrique RIVERA-Garcia**

Each subject stated that they were citizens from Mexico and none had immigration documents to be in the United States legally. The driver and passengers were transported to the Imperial Beach Station for processing.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Jose Luis GOMEZ-Guerrero, Eduardo Alejandro RAMIREZ-Hernandez, Oscar David LOPEZ-Torres, and Juan Luis HERNANDEZ-Morales** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Tijuana Baja California, Mexico to be smuggled into the United States. The four material witnesses stated that they were to pay \$2000.00 U.S. dollars to be smuggled into the United States. When shown a photographic lineup, the four material witnesses were able to identify the defendant **Enrique RIVERA-Garcia** as the driver and defendant **Ricardo PERALTA-Zazueta** as the footguide of the group.

Executed on May 26, 2008, at 9:30 A.M.



Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 24, 2008**, in violation of Title 8, United States Code, Section 1324.

Jan M. Adler
United States Magistrate Judge

Date/Time